

U.S. Department of Justice



*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

August 24, 2020

BY CM/ECF

The Honorable Richard M. Berman
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Santos Felix, 19 Cr. 228 (RMB)*

Dear Judge Berman:

The Government writes to respectfully request a 45-day adjournment of the sentencing proceeding in this matter, currently scheduled for August 26, 2020, at 9:00 a.m. via videoconference.

On March 3, 2019, defendant Christopher Santos Felix was detained after assaulting a law enforcement officer who was seeking to arrest him. On October 23, 2019, defendant Christopher Santos Felix pleaded guilty before the Honorable Debra Freeman to one count of assaulting a federal officer, in violation of 18 U.S.C. § 111(a)(1) and (b). On October 28, 2019, the Court accepted the defendant's plea before the magistrate court, and scheduled a sentencing proceeding for January 23, 2020. Sentencing was subsequently adjourned on several occasions, initially to permit the defendant to obtain a report from a sentencing mitigation specialist and later due to the COVID-19 pandemic. *See* Dkt. Nos. 47, 50, 52, 55, 58, 59. On June 8, 2020, the defendant filed a sentencing submission in which he seeks a sentence of 33 months' imprisonment. Dkt. No. 56. On August 19, 2020, the Government filed a sentencing submission in which it sought a within the applicable Sentencing Guidelines range of 63 to 78 months' imprisonment. Dkt. No. 61. To date, the defendant has served approximately 17 months in pretrial detention. Sentencing is currently scheduled for August 26, 2020, at 9:00 a.m. via videoconference.

The Government seeks a 45-day adjournment of the sentencing proceeding in this matter because an in person proceeding cannot be conducted on August 24, 2020, and the necessary findings cannot be made under the CARES Act to proceed via video conference or teleconference

at this time.¹ After 45-days, it is more likely that an in-person sentencing could be held before the Court. On August 24, 2020, I communicated with defense counsel, who consents to this request.

Thank you for your consideration of this matter.

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

by: _____/s/
Kedar S. Bhatia
Assistant United States Attorney
(212) 637-2465

The sentence is adjourned to October 19, 2020
at 9:00 am. The Court will endeavor to have
an audio and/or video sentencing because
it seems unlikely that, due to the pandemic,
the Court will be able to proceed in person in
an SDNY courtroom on that date.

SO ORDERED:
Date: 8/25/2020


Richard M. Berman, U.S.D.J.

¹ Section 15002(b) of the CARES Act allows for sentencing proceedings to be held via video teleconferencing and telephone conferencing when the district judge “in a particular case finds for specific reasons that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice.”